

REMARKS

This Amendment is submitted in response to the Office Action mailed September 28, 2004, with a shortened statutory response period ending on December 28, 2004. This response is filed within the statutory response period. The Commissioner is hereby authorized to charge any additional fees to Deposit Account number 02-1818.

Claims 16-17, 24, 27, 30-32, 34 and 36-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,656,813 to Baldini et al. (*Baldini*) in view of U.S. Patent No. 4,396,582 to Koderer (*Koderer*). Claims 18-20, 28-29 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Baldini* in view of *Koderer* and further in view of U.S. Patent No. 5,129,212 to Duffey et al. (*Duffey*). Claims 21-22 and 38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Baldini* in view of *Koderer* and *Duffy* and further in view of U.S. Patent No. 3,451,403 to Madsen (*Madsen*). Claim 23 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Baldini* in view of *Koderer* and further in view of British Patent No. GB 2142282 to Ogata (*Ogata*). Claims 25-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Baldini* in view of *Koderer* and further in view of U.S. Patent No. 4,587,793 to Brennan et al. (*Brennan*). Claim 33 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Baldini* in view of *Koderer* and further in view of U.S. Patent No. 5,934,043 to Aindow et al. (*Aindow*). Applicant respectfully disagrees with and traverses these rejections.

It is an axiom of patent law that the disclosure of a reference must be read in its entirety. *In re Wright*, 6 USPQ2d 1959 (Fed. Cir. 1988). When either the *Baldini* reference or the *Koderer* reference is read in its entirety, it is clear that each reference teaches away from a method of dry cleaning a film without contact with a liquid as recited in the present claims. *Baldini* discloses a method of forming a film into a flexible bag that includes washing the film with distilled water. *Baldini*, col. 1 lines 41-42, col. 2 lines 41-49, col. 4 lines 3-25. *Koderer* discloses a method of sterilizing a package that includes immersing the package in a sterilizing liquid and exposing the package to radiation. *Koderer*, col. 1 line 66 through col. 2 line 3, col. 2 lines 10-17, col. 3 lines 12-24, col. 7 lines 30-50.

In fact, a key aspect of each disclosure is the contact between the film/package and a liquid. *Baldini*, col. 2 lines 41-47 (“[a]n important feature of the invention, consists of ...a washing (3b) with distilled water....”); *Koderer*, col. 1 line 66 through col. 2 line (“[t]he invention is based on the discovery that the combined use of some nontoxic sterilizing liquid and

ultraviolet radiation can sterilize the object for more effectively than is possible with each agent alone.”). Thus, when each reference is viewed as a whole, it is apparent that each reference discloses a method that requires contact between the film/package and a liquid. As *Baldini* and *Kodera* each disclose a method that includes contacting the film/package with a liquid (*i.e.*, water or a sterilizing liquid), *Baldini* and *Kodera* each teach away from dry cleaning a film without contact with a liquid as recited in the present claims. Teaching away is a *per se* demonstration of lack of *prima facie* obviousness. *In re Dow Chemical Co.*, 5 USPQ 1529 (Fed. Cir. 1988).

Duffey, *Madsen*, *Ogata*, *Brennan* and *Aindow*, either alone or in combination, fail to teach or remotely suggest the subject matter recited in the present claims. *Duffey*, for example, teaches away from the claim recitation of sterilizing a valve cavity without exposing the cavity to ultraviolet radiation. *Duffey* discloses a method of sterilizing a container spout that includes exposing the spout to ultraviolet radiation. *Duffey*, col. 2 lines 14-19, col. 10 lines 47-64. *Madsen* has no disclosure whatsoever directed to the formation of flexible plastic containers. *Ogata* and *Aindow* have no disclosure whatsoever directed to cleaning a film. *Brennan* teaches away from the recited inflow nozzle juxtaposed the gas applicator as *Brennan's* filter 26 for introducing air is disposed on the opposite side of a clean room away from grill 34 that receives the air. *Brennan*, col. 5 lines 58-63, FIG. 1. Applicant therefore respectfully submits that the obviousness rejections be withdrawn.

CONCLUSION

For the foregoing reasons, Applicant submits that the patent application is in condition for allowance and requests early indication of same.

Respectfully submitted,

BELL, BOYD & LLOYD LLC

BY 

Ted J. Barthel
Reg. No. 48,769
P.O. Box 1135
Chicago, Illinois 60690-1135
Phone: (312) 807-4204

Dated: December 28, 2004